

REMARKS

Favorable consideration and allowance of claims 11, 13-18, and 21-31 are respectfully requested in view of the foregoing amendments and the following remarks. Claims 28 and 29 have already been indicated as being allowable, although they are objected to as being dependent from rejected base claims.

Claim 11 is objected to for the noted informality. Claim 11 is amended as suggested by the Examiner, thereby removing the basis for the objection.

Claims 21 and 27 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to the recitation of “can be.” Claims 21 and 27 are amended herein to change “can be” to “is.” Applicant submits that the amended claims are definite, and thus, the rejection should be removed.

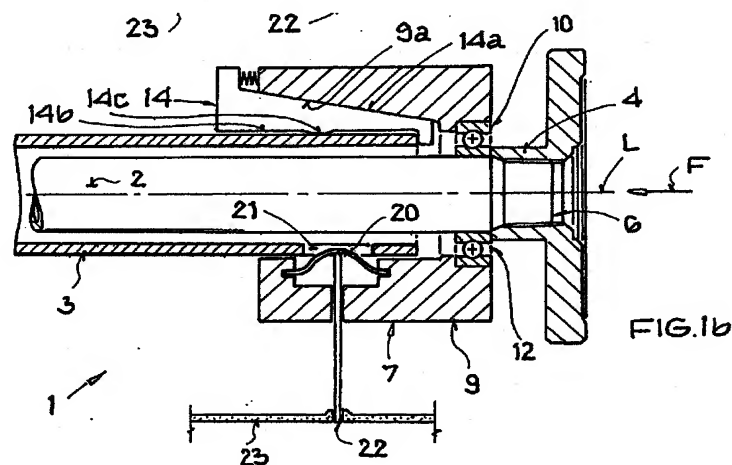
Claims 11, 13-18, and 21-27 are rejected under 35 U.S.C. §102(b) as being anticipated by Hirschfeld et al (US 6,892,602). Applicant respectfully traverses the rejection as set forth below.

Claim 11 is amended to further define the claimed elevation, i.e., the elevation protrudes toward the casing tube in a substantially radial direction from a first face of a first clamping jaw that faces the casing tube, the elevation contacting an outermost surface of the casing tube. Support for this amendment is present in at least FIG. 1b and paragraph [0030] of the specification.

Also, claim 22 is amended to further define the leaf spring claimed in claim 22. The amended claim recites that “a leaf spring which engages in a cut-

out of the casing tube is provided in an opening in the stator, and the leaf spring spans the opening.” Support for this amendment is present, for example, in FIGS. 1a, 1b, and 2, and paragraphs [0031]-[0034] of the specification.

Applicant submits that Hirschfeld does not expressly or inherently disclose that the “elevation protrudes toward the casing tube in a substantially radial direction from a first face of a first clamping jaw that faces the casing tube, the elevation contacting an outermost surface of the casing tube,” as claimed in amended claim 11. As illustrated in FIG. 1b (reproduced below), face 14b of clamping jaw 14 faces the casing tube 3 and elevation 14c protrudes from face 14b toward the casing tube 3. The elevation 14c contacts the outermost surface of the casing tube 3.



The Office Action refers to the portion of clamping tongue 15 between the bend and where it connects to the clamping element 13 as an elevation. *See Fig. 3, reproduced below with additional notations.* Further, the Office Action states that the elevation (15) protrudes from a face (inside portion of 15 between the

bend and the free end) of a first clamping jaw which faces the casing tube (i.e., inside of the clamping part 13).

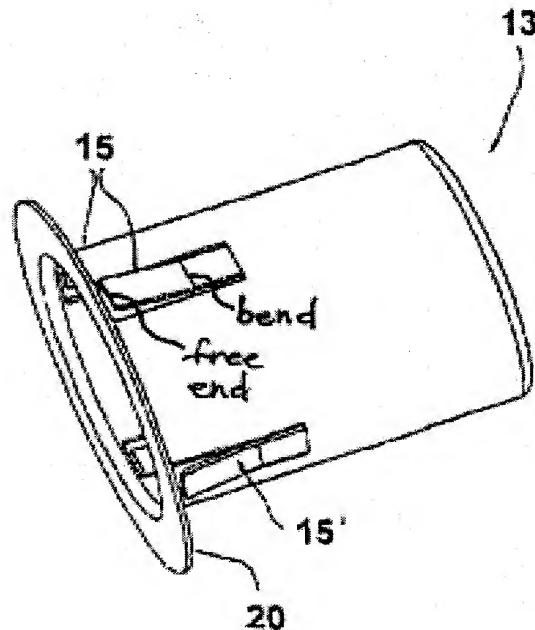


Fig. 3

Applicant submits that the clamping tongue 15 disclosed by Hirschfeld does not correspond to the claimed elevation. The Office Action states that the portion of the clamping tongue 15 between the bend and where it connects to the clamping element 13 protrudes from the inside face of the clamping tongue 15 between the bend and the free end. Applicant respectfully disagrees.

As illustrated in Fig. 3, the only way in which the clamping tongue 15 could reasonably be said to protrude from a face of the clamping element 13 is in a direction away from the outer surface of the clamping element 13, which is

away from the casing tube. By contrast, claim 11 requires the elevation to protrude toward the casing tube.

Moreover, even if the portion of the clamping tongue 15 between the bend and where it connects to the clamping element 13 is considered to protrude from the inside face of the clamping tongue 15 between the bend and the free end, this “protrusion” is in an axial direction. By contrast, claim 11 requires the elevation to protrude toward the casing tube in a substantially radial direction.

Therefore, amended claim 11 is patentable over Hirschfeld.

Claims 13-18 and 21 are patentable due to their dependence from claim 11.

Applicant submits that Hirschfeld does not expressly or inherently disclose that “a leaf spring which engages in a cut-out of the casing tube is provided in an opening in the stator, and the leaf spring spans the opening,” as claimed in amended claim 22. As shown above in FIG. 1b, for example, the leaf spring 20 is provided in an opening of the stator 9 (i.e., the open area below the casing tube 3). The leaf spring 20 spans the opening in the stator 9 and engages in a cut-out 21 of the casing tube 3.

The Office Action states that one of the clamping tongues 15 corresponds to the claimed leaf spring. Applicant respectfully disagrees.

Hirschfeld’s clamping tongue 15 does not correspond to the claimed leaf spring. Hirschfeld does not disclose a leaf spring that is provided in an opening

in the stator wherein the leaf spring spans the opening. The clamping tongue 15 is not provided in an opening in the stator. Instead, it is provided in the clamping element 13. In fact, it is part of the clamping element 13. By contrast, the leaf spring of claim 22 is a separate element that is disposed in the stator.

Even if the clamping tongue 15 were generally considered to be a leaf spring, the clamping tongue 15 is not provided in an opening of the stator wherein the clamping tongue 15 spans the opening. Rather, the clamping tongue 15 is provided within a portion of the clamping element 13 near the shoulder 20. Thus, the clamping tongue 15 is not provided in an opening of the stator (bracket 11), and the clamping tongue 15 does not span an opening of the stator.

Therefore, amended claim 22 is patentable over Hirschfeld.

Claims 23-27 are patentable due to their dependence from claim 22.

New claims 30 and 31 are added to further define the steering column arrangements of claims 11 and 22, respectively. Support for these claims is present in at least FIGS. 1b and 3a and paragraphs [0030] and [0032] of the specification. Applicant submits that claims 30 and 31 are patentable due to their dependence from claims 11 and 22, respectively, and because the prior art does not disclose their limitations.

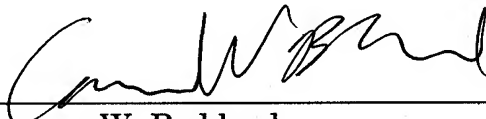
In view of the foregoing, Applicant submits that the application is in condition for allowance and such action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 095309.56366US).

Respectfully submitted,

October 13, 2009



Cameron W. Beddard
Registration No. 46,545

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
CWB:crr
8885493